

**REMARKS**

As a preliminary matter, Applicants note that the Examiner objects to the Information Disclosure Statement filed in the present application, because the Goughnour reference (US 5,279,502) has no relevance to the present application. After reviewing the file, Applicants discovered that the Goughnour patent was not the patent that was intended to be filed with the Information Disclosure Statement of April 5, 1999. Instead, U.S. Patent No. 4,279,502 is the reference that was intended to be filed. Thus, Applicants concurrently file herewith another IDS with US 4,279,502.

Also, the Examiner notes that he has not considered the reference listed on page 3, line 21, of the specification, i.e., Japanese Unexamined Patent Publication No. 55(1980)-46741. Applicants include this publication with the above-noted IDS.

The Examiner objects to the title of the invention and suggests the following alternative title: "Image Processing Method To Compensate For Color Differences Due To A Type Of Image Sensing Device." Applicants amend the title accordingly.

The drawings are objected to also. According to the Notice of Draftsperson's Patent Drawing Review, FIG. 1 does not use English letters. Although the originally filed application was not in English, an English translation of the application was filed March 8, 1999. Thus, an English language version of the figure appears to have been filed at that time. However, to overcome this objection, Applicants resubmit FIG. 1 with the present Amendment.

The drawings are further objected to, because the Examiner asserts that the figure does not give details on the operation of the recording medium, etc. Applicants respectfully submit

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that FIG. 1 does include sufficient detail of the claimed invention to satisfy the drawing requirements, since all of the claimed limitations are included in the figure.

Claims 1-20 are pending in the application, including new claim 20 added by the present Amendment.

Claims 2 and 15 are objected to. Applicants amend claims 2 and 15 to remove the word “the” from the first line of these claims, thereby overcoming the objection.

Claims 1, 10, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Saito (US 5,010,393). Claims 1, 15, and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Abe (US 5,568,194). Claims 1 and 6-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tretter (US 6,464,173). Claims 1 and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ng et al. (US 6,097,845). Claims 1-5 and 11-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Terashita (US 5,767,983). Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Ishikawa et al. (US 5,682,573). Applicants’ response follows.

Saito relates to a method and apparatus for adjusting chroma in an automatic white balance adjusting method.

Abe relates to a white balance adjusting device.

Tretter relates to a system and method for histogram-based image contrast enhancement.

Ng relates to a system and method for discriminating among image characteristics to select among a plurality of compression techniques.

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Terashita relates to a color copying apparatus including an analog printer and a digital printer for preparing a reproduced image by determining exposure amount of a color original image.

Ishikawa relates to image forming apparatuses of various types such as an electrophotographic type and an ink jet type, and a control method therefor to allow control for keeping the image quality at a given level.

Regarding the rejection of claims 1, 10, and 19 over Saito, Applicants submit that Saito does not teach or suggest all of the limitations of these claims. In particular, Saito does not teach extracting a characteristic value representing a characteristic of an image sensing device from digital image signals, as required by independent claims 1 and 19. Instead, Saito appears to deal only with the processing of analog image signals. Nowhere in the reference is the processing of digital image signals disclosed. The only mention of the type of signals processed by Saito appears in col. 5, lines 51-62, which discusses the processing of analog image signals. Therefore, claims 1 and 19, and claim 10 at least because of its dependence from claim 1, are allowable over Saito. However, since Applicants cancel claim 1 below, the arguments against Saito apply to claims 10 and 19.

Claims 1, 15, and 17 are rejected over Abe. With respect to claim 15, Applicants submit that Abe does not disclose that which is asserted by the Examiner, i.e., Abe does not teach or suggest that the characteristic value is extracted from a thumbnail image signal of the digital image signals. The excerpt cited by the Examiner seems to disclose only the dividing up of an image into 8x8 blocks, rather than extracting the characteristic value from a thumbnail image signal. See col. 3, lines 25-43. Thus, claim 15 is seen to be allowable over the prior art.

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Claim 15 is rewritten in independent form, including the limitations of claim 1.

In conjunction with the amendment to claim 15, the dependency of claim 17 is changed, so that it depends from claim 15. Accordingly, claims 17 and 18 are allowable, at least because of their dependence from claim 15.

With respect to the rejection of claims 1 and 6-9 over Tretter, Applicants cancel claims 1 and 6-9, thereby rendering moot this rejection.

Claims 1 and 16 stand rejected over Ng et al., which discloses a system and method for discriminating among image characteristics. As previously noted, claim 1 is cancelled herein. Also, Applicants cancel claim 16 herein. Thus, the rejection of claims 1 and 16 over Ng is no longer meaningful.

Claims 1-5 and 11-14 stand rejected over Terashita. By the present Amendment, Applicants rewrite claim 2 in independent form and submit that Terashita fails to teach or suggest all of the limitations of claim 2. The Examiner asserts that col. 7, lines 15-66 and col. 10, lines 26-39, of Terashita disclose the limitations of claim 2, but Applicants disagree. Claim 2 requires that when each of the digital image signals is composed of RGB color signals, the characteristic value is a total average of averages of the digital image signals. Terashita does not appear to disclose this limitation of the claim. Col. 7, lines 23-34 of Terashita states the following:

As the film characteristic data, it is possible to adopt the following: the tricolor average density of the film; a color balance such as each color density or color difference with respect to that density; a density with respect to a predetermined exposure amount; a base density of the film; each color density or an average density with respect to a monochromatic light source; each color density or an average density with respect to a white light

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source; and each color density difference or an average density difference color, or a density histogram or a cumulative curve with respect to a monochromatic light source or a white light source.

Although this excerpt discusses averages, neither this excerpt nor any other part of Terashita appears to disclose that the characteristic value is a total average of averages of the digital image signals, as required by claim 2. Hence, claim 2 and its dependent claims 3-5 are allowable over Terashita.

Regarding the rejection of claims 11, 12, and 14 based on Terashita, Applicants cancel claims 11, 12, and 14.

With regard to claim 13, this claim describes determination of the characteristic value of a color signal relative to an average of color signals from which high saturation pixel values have been eliminated. The Examiner cites col. 40 of Terashita to teach this feature. However, the cited portion pertains to the determination of a density value, based on a divided image and integrated pixel values within different regions of the divided image. This bears no relationship to an average of color signals. Therefore, claim 13 is patentable for at least this reason.

Claim 18 is rejected over Abe in view of Ishikawa. Applicants submit that the combination of Abe and Ishikawa does not teach or suggest all of the limitations of claim 18. The Examiner asserts that col. 20, lines 35-51, of Ishikawa discloses the limitations of claim 18, which are admitted to be missing from Abe. Applicants respectfully disagree with the Examiner's interpretation of Ishikawa.

Ishikawa et al. relates to the implementation of control rules for an image forming apparatus. Claim 18 requires that the flag indicating whether or not the digital image signal has been corrected after photographing is recorded in the recording medium together with the digital

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image signal. Ishikawa et al. do not appear to disclose this limitation. The excerpt cited by the Examiner simply discloses the circumstances in which a write flag is set to "1" or "0." If the write flag is "on," then a new control rule is implemented. However, the write flag is not recorded in the recording medium together with the digital image signal.

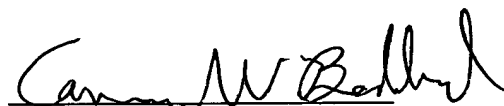
Furthermore, Abe and Ishikawa do not teach or suggest the limitations of original claim 15, upon which claim 18 now depends, via claim 17.

Thus, claim 18 is allowable over the prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to the Deposit Account No. 19-4880.

Respectfully submitted,



Cameron W. Beddard  
Registration No. 46,545

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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